



NEWS RELEASE

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FOR IMMEDIATE RELEASE

REPRESENTATIVE KERN SPONSORS LEGISLATION THAT INCREASES LAWYERS' FIRST AMENDMENT RIGHTS

STATE CAPITOL, PHOENIX (Monday, January 25, 2016) – Representative Anthony Kern has sponsored House Bills 2219 and 2221 concerning the regulation of lawyers. The bills place all public protection mandates entirely under state supreme court control and active supervision and also minimizes the regulatory independence of the State Bar of Arizona.

According to Rep. Kern, "The bills resolve the conflict of interest that exists when you have a state bar with both regulatory and trade association powers. It's just not smart to have one organization acting as both regulator of its members at the same time its beholden to their interests. Neither the public or lawyers are well served by such a conflict of interest."

HB 2219 and 2221 do not dismantle the state bar. Under both bills, the State Bar of Arizona would continue to perform its regular functions on behalf of Arizona lawyers but it would be limited to collecting only voluntary member dues for non-regulatory programs and services. Also under HB 2221, the bar would be required to file an annual, independent, and public audit.

HB 2221 further iterates if the state bar accepts any mandatory assessment monies collected by the supreme court, the bar would be subject to open records and public meeting laws. "These bills do not grow government or burden taxpayers," said Rep. Kern. "Like in every state in the U.S., lawyers would continue to pay the cost of their regulation and discipline."

Representative Kern continued, "These bills are intended to protect the rights of free speech and free association secured by the Arizona and U.S. Constitutions. Improving the practice of law and protecting the public through lawyer regulation are important functions but I don't see why doing so requires that lawyers give up their First Amendment freedoms from compelled speech and association,"

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